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**MEMO ENDORSED**

August 7, 2020

**VIA ECF**

The Honorable Denise L. Cote  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Ivezaj v. United States*, 20-cv-4889-DLC (S.D.N.Y.)  
*Rudaj v. United States*, 11-cv-1782-DLC (S.D.N.Y.)  
*Dedaj v. United States*, 11-cv-1510-DLC (S.D.N.Y.)  
*Colotti v. United States*, 11-cv-1402-DLC (S.D.N.Y.)  
*DiPietro v. United States*, 11-cv-1556-DLC (S.D.N.Y.)  
*United States v. Rudaj et al.*, 04-cr-1110-DLC (S.D.N.Y.)

Dear Judge Cote:

We respectfully submit this letter on behalf of Prenka Ivezaj, Alex Rudaj, Nikola Dedaj, Nardino Colotti, and Angelo DiPietro (the “Petitioners”) to request a unified briefing schedule for the Petitioners’ above-captioned 28 U.S.C. § 2255 proceedings, all of which challenge their 18 U.S.C. § 924(c) convictions in *United States v. Rudaj et al.*, 04-cr-1110-DLC (S.D.N.Y.). The Government joins this request.

On June 22, 2020, Mr. Ivezaj filed a § 2255 motion to vacate his 84-month sentence imposed under § 924(c). On June 23, the Second Circuit granted leave to Mr. Ivezaj to file a successive § 2255 motion. Also on June 23, the other Petitioners received leave from the Second Circuit to file successive § 2255 motions to vacate their § 924(c) sentences, and their § 2255 motions were transferred to the Court.

On June 26, the Court set a briefing schedule for Mr. Ivezaj’s § 2255 motion. The current schedule in Mr. Ivezaj’s case calls for the Government to respond to Ivezaj’s § 2255 motion by August 28. Mr. Ivezaj’s reply is due 30 days later. The Court has not yet set a schedule for the other Petitioners’ § 2255 motions.

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After the Court set a briefing schedule for Mr. Ivezaj, counsel for the Petitioners engaged in discussions among themselves and with the Government. The Petitioners' § 924(c) convictions are based on the same predicate offenses, and their § 2255 motions involve identical issues and arguments. The parties are discussing those issues in an effort to reach a resolution and avoid the necessity of briefing. In the event we do not resolve the matters, however, the parties agree that a unified briefing schedule applicable to all the Petitioners' § 2255 motions would be the most efficient way to proceed. Thus, the parties jointly propose the following schedule:

- **September 21, 2020:** Deadline for Petitioners' joint opening brief
- **November 5, 2020:** Deadline for Government's omnibus response
- **November 19, 2020:** Deadline for Petitioners' reply

The proposed schedule grants 45 days for the Petitioners to submit an opening brief in order to allow for continued discussion among the parties. If the parties are able to reach a resolution, we will promptly inform the Court. This is the first request for an extension of time by any of the parties in the above-captioned habeas proceedings.

Respectfully submitted,

/s/ Michael Schachter

Michael Schachter

*Counsel for Prenka Ivezaj*

cc (via email): Lara Pomerantz

Jonathan Rebold

*United States Attorney's Office*

David Patton

Eunice Lee

Edward Zas

*Counsel for Alex Rudaj, Nikola Dedaj, and Nardino Colotti*

Anthony DiPietro

*Counsel for Angelo DiPietro*

Granted. The parties shall make their submissions in accordance with the proposed schedule.

Dated: August 10, 2020



DENISE COTE

United States District Judge